

CASE

NUMBER:

99-258

INDEX FOR CASE: 1999-258
THE OTHER PHONE COMPANY, INC. DBA ACCESS ONE COMMUNICATIONS
Complaints - Rates
OF THOMAS RAY & NORMA J. CULLEN-SLAMMING ISSUE

IN THE MATTER OF THOMAS RAY & NORMA J. CULLEN VS. THE OTHER
PHONE COMPANY DBA ACCESS ONE COMMUNICATIONS

SEQ NBR	ENTRY DATE	REMARKS
0001	06/16/1999	Application.
0002	06/22/1999	Acknowledgement letter.
0003	07/09/1999	Order to Satisfy or Answer; info due 7/19
M0001	07/19/1999	NETTECHA JACKSON/CUSTOMER SERVICE-RESPONSE TO 7/9/99 ORDER
0004	08/04/1999	Letter to Mr. & Mrs. Thomas R. Cullen regarding fraudulent tape recording
0005	08/09/1999	Letter to Nettecha Jackson regarding complaint
M0002	09/01/1999	SCOTT COX ACCESS ONE-ANSWER TO COMPLAINT
M0003	10/19/1999	SCOTT COX/THE OTHER PHONE COMPANY-THE OTHER PHONE COMPANY d/b/a ACCESS ONE ANSWER
M0004	10/21/1999	SCOTT COX ACCESS ONE COMMUNICATIONS-ANSWER TO COMPLAINT
0006	11/09/1999	Order cancelling 11/18 hearing & scheduling an IC on 12/1 at 10:30 in CR 1.
0007	12/03/1999	IC memo; comments, if any, due 12/13/99.
M0005	01/26/2000	SCOTT COX ACCESS ONE COMMUNICATIONS-SUPPLEMENTAL RESPONSE TO ALLEGED VIOLATION
0008	03/10/2000	FINAL ORDER DISMISSING COMPLAINT



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-258
THE OTHER PHONE COMPANY, INC. DBA ACCESS ONE COMMUNICATIONS

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 10, 2000.

See attached parties of record.

Stephanie D. Bell

Secretary of the Commission

SB/sa
Enclosure

Kevin Griffo
President
The Other Phone Company, Inc.
dba Access One Communications
4205 Vineland Road
Suite L15
Orlando, FL. 32811

Thomas Ray
& Norma Jean Cullen
970 U.S. Highway, 62 East
Eddyville, KY. 42038

Nettecha Jackson
Customer Service Supervisor
Access One Communications
3427 N.W. 55th Street
Fort Lauderdale, FL. 33309

Honorable Scott C. Cox
Attorney for The Other Phone Company
d/b/a Access One Communications
200 Hart Block Building
730 West Main Street
Louisville, KY. 40202

Honorable Neil S. Baritz
Attorney for The Other Phone Company
d/b/a Access One Communications
Dreier & Baritz LLP
150 East Palmetto Park Road
Suite 401
Boca Raton, FL. 33432

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COUNTRY LADY & GENT,)	
THOMAS RAY CULLEN AND NORMA J. CULLEN)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 99-258
)	
THE OTHER PHONE COMPANY, A/K/A)	
ACCESS ONE COMMUNICATIONS)	
)	
DEFENDANT)	

O R D E R

On June 16, 1999, Norma J. Cullen filed a formal complaint against The Other Phone Company a/k/a Access One Communications ("Access One") for violation of KRS 278.535. The complaint alleged that Access One caused an unauthorized change of her prescribed primary interexchange carrier ("PIC") from BellSouth Telecommunications, Inc. ("BellSouth") to Access One. The complaint requested reimbursement for all costs and charges associated with the PIC change.

Complainant's service was changed back to BellSouth. In addition, the Defendant fully reimbursed Complainant by way of credits and, in doing so, exceeded the requirements of KRS 278.535 regarding restitution.

Based upon the above facts, the Commission finds that Access One has satisfied completely the demands of the complaint and requirements of the statute.

IT IS THEREFORE ORDERED that the complaint filed by Norma J. Cullen is dismissed.

Done at Frankfort, Kentucky, this 10th day of March, 2000.

By the Commission

ATTEST:


Executive Director

SCOTT C. COX

Attorney at Law

RECEIVED

200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202

JAN 26 2000 Office: (502) 589-6190
FAX: (502) 584-1744
PUBLIC SERVICE
COMMISSION

January 24, 2000

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

**Re: *The Other Phone Company, Inc. d/b/a Access One Communications v.
Alleged Violation(s) of KRS 278.535 Switching of Telecommunications
Provider
Case No. 99-325***

***Country Lady & Gent, Thomas Ray and Norma S. Cullen v. The Other Phone
Company, Inc., d/b/a Access One Communications
Case No. 99-258***

Dear Ms. Helton:

Enclosed for filing please find an Original Supplemental Response in each of the above-styled matters. I have also enclosed a copy of each to be stamped "filed" and returned to me in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please don't hesitate to contact me.

Cordially,


Scott C. Cox

SCC:sls
Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
 Country Lady & Gent,)
 Thomas Ray and Norma S. Cullen)
)
 Complainants)
)
 v.)
)
 The Other Phone Company, Inc., d/b/a)
 Access One Communications)
)
 Defendant)

RECEIVED
 JAN 26 2000
 PUBLIC SERVICE
 COMMISSION

Case No. 99-258

THE OTHER PHONE COMPANY, INC., D/B/A
ACCESS ONE COMMUNICATIONS' SUPPLEMENTAL RESPONSE

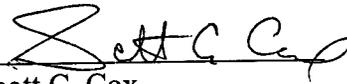
Now comes The Other Phone Company, Inc., d/b/a Access One Communications ("Access One"), by and through its undersigned attorneys, for its Supplemental Response in the above referenced matter, states as follows:

1. On December 1, 1999 an informal conference was held in the Public Service Commission's offices. The attorney for the Commission, the Honorable Dale Wright, requested that a supplemental response be filed by Access One detailing that Mr. and Mrs. Cullen had been made whole by Access One. Mr. and Mrs. Cullen had two accounts with Access One, one for telephone number (502) 388-2977 and another for (850) 671-7288. Both of these accounts have had all outstanding balances credited. On March 5, 1999 a credit for \$113.21 was posted to the 388-2977 account and on May 20, 1999 a credit for \$189.77 was posted to the other account.

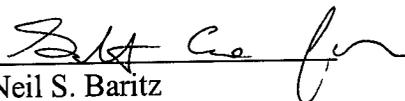
WHEREFORE, the Other Phone Company, Inc., d/b/a Access One Communications respectfully requests that this matter be dismissed in its entirety and the records of the Kentucky

Service Commission be modified to so reflect.

Respectfully submitted,



Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202
(502) 589-6190



Neil S. Baritz
Dreier & Baritz LLP
150 East Palmetto Park Road, Suite 401
Boca Raton, Florida 33432
(561) 750-0910

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Supplemental Response was sent by U.S. Mail to

Thomas Ray and Norma Jean Cullen
c/o Country Lady & Gent
970 U.S. Highway 62E
Eddyville, Kentucky 42038

Helen Helton, Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

this 24 day of January, 2000.



Scott C. Cox

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JAN 26 2000
PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Country Lady & Gent,)
Thomas Ray and Norma S. Cullen)
)
Complainants)
)
v.)
)
The Other Phone Company, Inc., d/b/a)
Access One Communications)
)
Defendant)

RECEIVED

JAN 26 2000

GENERAL COUNSEL

Case No. 99-258

Wright

THE OTHER PHONE COMPANY, INC., D/B/A
ACCESS ONE COMMUNICATIONS' SUPPLEMENTAL RESPONSE

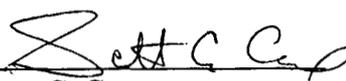
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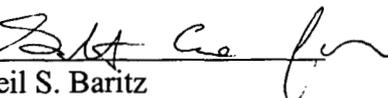
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Respectfully submitted,



Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202
(502) 589-6190



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Dreier & Baritz LLP
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Eddyville, Kentucky 42038

Helen Helton, Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

this 24 day of January, 2000.



Scott C. Cox



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen C. Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

December 3, 1999

Mr. Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, KY 40202

Re: Case No. 99-258
Country Lady & Gent, Thomas Ray Cullen and Norma J. Cullen
vs. The Other Phone Company a/k/a Access One Communications

and

Case No. 99-325
The Other Phone Company, Inc. d/b/a Access One Communications
Alleged Violations

Dear Mr. Cox:

Attached is a copy of the memorandum which is being filed into the record of the above-referenced case. As counsel of record, you may distribute the memorandum to your client and any others you deem appropriate.

If you have any comments that you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Dale Wright at 502/564-3940, Extension 235.

Sincerely,

A handwritten signature in cursive script that reads "Helen C. Helton".

Helen C. Helton
Executive Director

DW:v
Attachment

FILED

INTRA-AGENCY MEMORANDUM

DEC 03 1999

KENTUCKY PUBLIC SERVICE COMMISSION

**PUBLIC SERVICE
COMMISSION**

TO: Main Case File 99-258
Country Lady & Gent, Thomas Ray Cullen and Norma J. Cullen
vs. The Other Phone Company a/k/a Access One Communications
and
Main Case File 99-325
The Other Phone Company, Inc. d/b/a Access One Communications
Alleged Violations

FROM: Dale Wright *DW*

DATE: December 3, 1999

SUBJECT: Informal Conference

On December 1, 1999, an informal conference was held in the Commission's offices. Present on behalf of the Commission were Dale Wright and Bob Johnston. Present on behalf of The Other Phone Company (also known as and now known as Access One) was Kevin Griffo, President. This was a joint informal conference concerning the facts and allegations of the two cases captioned above.

Access One is represented by Attorney Scott C. Cox, who was unable to attend the conference. I personally called Mr. Cox to seek his authorization to conduct the conference without his presence. Mr. Cox clearly authorized that the conference could be conducted without him and that Mr. Griffo desired that the conference be held.

Discussed first was the formal complaint in Case No. 99-258. The complainants, Thomas Ray Cullen and Norma J. Cullen, request that they be reimbursed for all expenses resulting from the alleged improper pick/switch. Mr. Griffo was advised that the complaint would be resolved and disposed of if Access One would satisfy the complainants' request. Staff suggested that Mr. Cox file a supplemental response detailing the date(s) of compliance and the amounts. If the complainants were "satisfied" and Access One could show proof by means of supplemental response, the case would go to the Commission with the recommendation that Case No. 99-258 be closed.

Second, we discussed the show cause Order issued in Case No. 99-325. The Order involved three alleged violations of KRS 278.535, as follows: (1) Mary Frances Clausen, (2) Dr. Damon R. Campbell, owner and operator of the Blue Cross Animal Hospital, and (3) King's Body Shop located in Neon, Kentucky. The answer filed on October 21, 1999 by Access One does not dispute the facts contained in the show

MEMORANDUM: Informal Conference
The Other Phone Company
December 3, 1999

cause Order. Access One could not produce a letter of authorization or tape recording for any of the three alleged violations. As mitigation, Mr. Griffo explained in detail the remedial measures initiated by Access One to eliminate potential violations of KRS 278.535. Since the facts are undisputed, Staff requested that Access One file a supplemental response or answer setting out in detail the actions taken to assure compliance with KRS 278.535.

Staff and Mr. Griffo discussed a varying range of penalty which would be recommended to the Commission. It was determined that in Case No. 99-258, only complete satisfaction of the consumer complaint would be necessary. But, in Case No. 99-325, Staff recommends to the Commission a penalty of \$2,500 for each violation (or a total penalty of \$7,500) with immediate payment of \$1,500 and with discharge or suspension of the balance of \$6,000 on condition that Access One not be found, by whatever means, in violation of KRS 278.535 for a period of twelve months from the date of the Commission's final Order in Case No. 99-325. Staff recommends suspension of the penalty balance in view of the fact that the steps taken by Access One in remedying its violations have reduced the number of complaints during 1999 to one only.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen C. Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

December 3, 1999

Mr. Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, KY 40202

Re: Case No. 99-258
Country Lady & Gent, Thomas Ray Cullen and Norma J. Cullen
vs. The Other Phone Company a/k/a Access One Communications
and

Case No. 99-325
The Other Phone Company, Inc. d/b/a Access One Communications
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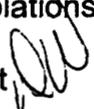
A handwritten signature in black ink that reads "Helen C. Helton".

Helen C. Helton
Executive Director

DW:v
Attachment

INTRA-AGENCY MEMORANDUM
KENTUCKY PUBLIC SERVICE COMMISSION

TO: **Main Case File 99-258**
 Country Lady & Gent, Thomas Ray Cullen and Norma J. Cullen
 vs. The Other Phone Company a/k/a Access One Communications
 and
 Main Case File 99-325
 The Other Phone Company, Inc. d/b/a Access One Communications
 Alleged Violations

FROM: Dale Wright 

DATE: December 3, 1999

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MEMORANDUM: Informal Conference
The Other Phone Company
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COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

November 9, 1999

To: All parties of record

RE: Case No. 99-258 & Case No. 99-325

We enclose one attested copy of the Commission's Order in
the above cases.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Kevin Griffo
President
The Other Phone Company, Inc.
dba Access One Communications
4205 Vineland Road
Suite L15
Orlando, FL 32811

Thomas Ray
& Norma Jean Cullen
970 U.S. Highway, 62 East
Eddyville, KY 42038

Nettecha Jackson
Customer Service Supervisor
Access One Communications
3427 N.W. 55th Street
Fort Lauderdale, FL 33309

Honorable Scott C. Cox
Attorney for The Other Phone Company
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200 Hart Block Building
730 West Main Street
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Honorable Neil S. Baritz
Attorney for The Other Phone Company
d/b/a Access One Communications
Dreier & Baritz LLP
150 East Palmetto Park Road
Suite 401
Boca Raton, FL 33432

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

THE OTHER PHONE COMPANY, INC.)
D/B/A ACCESS ONE COMMUNICATIONS)
ALLEGED VIOLATION(S) OF KRS 278.535)
SWITCHING OF TELECOMMUNICATIONS)
PROVIDER)

CASE NO. 99-325

COUNTRY LADY & GENT, THOMAS RAY)
CULLEN, AND NORMA J. CULLEN)
COMPLAINANTS)
v.)
THE OTHER PHONE COMPANY, INC.)
D/B/A ACCESS ONE COMMUNICATIONS)
DEFENDANT)

CASE NO. 99-258

O R D E R

The Other Phone Company, Inc., doing business as Access One Communications ("Access One"), has filed its answers and responses in these proceedings and has requested an informal conference. The Commission, finding good cause, HEREBY ORDERS that:

1. The hearing scheduled for November 18, 1999 is cancelled in order to schedule an informal conference.
2. An informal conference is scheduled on December 1, 1999, at 10:30 a.m., Eastern Standard Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

3. Access One shall bring all documents to support its position and shall be represented by counsel or a corporate officer authorized to enter into a settlement agreement.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:


Executive Director

SCOTT C. COX

Attorney at Law

200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202

Office: (502) 589-6190
FAX: (502) 584-1744

October 20, 1999

RECEIVED

OCT 21 1999

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

PUBLIC SERVICE
COMMISSION

**Re: *Country Lady & Gent Thomas Ray and Norma S. Cullen v. The Other
Phone Company, Inc., d/b/a Access One Communications
Case No. 99-258***

Dear Ms. Helton:

Enclosed for filing please find one original plus ten copies of an Answer in the above-styled matter. I have also enclosed a copy to be filed-stamped and returned to me in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please don't hesitate to contact me.

Cordially,



Scott C. Cox

SCC:sls
Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Country Lady & Gent,)
Thomas Ray and Norma S. Cullen)
)
Complainants)
)
v.)
)
The Other Phone Company, Inc., d/b/a)
Access One Communications)
)
Defendant)

RECEIVED

OCT 21 1999

PUBLIC SERVICE
COMMISSION

Case No. 99-258

ANSWER

The Other Phone Company, Inc., d/b/a Access One Communications ("Access One"), by and through its undersigned attorneys, for its Answer, states as follows:

1. Access One contacted Norma S. Cullen ("Cullen") the principal of Country Lady & Gent ("Country Lady") on August 11, 1998 for the purpose of offering a discounted local service plan on features for switching her business telephone lines from Bell South to Access One.

2. On August 11, 1998, Cullen, on behalf of Country Lady, verbally authorized the switch from Bell South to Access One and pursuant to an independently tape recorded telephone conversation, Cullen confirmed her authorization of the switch of Country Lady's local telephone service provider to Access One.

3. Pursuant to internal operating protocols and consistent with the requirements of Kentucky Statutes, Chapter 278, the tape recording was made by Marketing Group, Inc., an independent verification service.

4. The tape recording included, among other things, the identification of the business, the identification of the person authorizing the switch and the date of birth of such person (the original of such tape has previously been submitted to the Kentucky Public Service Commission under separate cover.)

5. A third telephone call was made to Country Lady by an in-house representative of Access One, in accordance with Access One internal operating protocols, for the purpose of again verifying their desire to switch their local telephone service to Access One.

6. On this, the third telephone call, an individual representing herself as an authorized representative of Country Lady, again verified the switch of local telephone service from Bell South to Access One.

7. The aforementioned three step policy is universally applied by Access One in the ordinary conduct of its business.

WHEREFORE, The Other Phone Company, Inc., d/b/a Access One Communications respectfully requests that this matter be dismissed in its entirety and the records of the Kentucky Service Commission be modified to so reflect. The Other Phone Company, Inc., d/b/a Access One Communications further requests that this matter be set

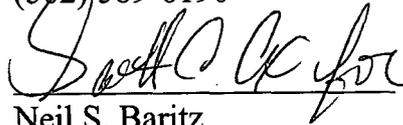
down for an informal conference in lieu of a hearing.

Respectfully submitted,



Scott C. Cox

200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202
(502) 589-6190



Neil S. Baritz

Dreier & Baritz LLP
150 East Palmetto Park Road, Suite 401
Boca Raton, Florida 33432
(561) 750-0910

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer was sent by U.S. Mail to

Thomas Ray and Norma Jean Cullen
c/o Country Lady & Gent
970 U.S. Highway 62E
Eddyville, Kentucky 42038

Helen Helton, Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

this 20 day of October, 1999.


Scott C. Cox

SCOTT C. COX

Attorney at Law

200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202

Office: (502) 589-6190
FAX: (502) 584-1744

October 18, 1999

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED
OCT 19 1999
PUBLIC SERVICE
COMMISSION

**Re: *Country Lady & Gent Thomas Ray and Norma S. Cullen v. The Other
Phone Company, Inc., d/b/a Access One Communications***
Case No. 99-258

Dear Ms. Helton:

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Thank you for your assistance in this matter. If you have any questions, please don't hesitate to contact me.

Cordially,



Scott C. Cox

SCC:sls
Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
OCT 19 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Country Lady & Gent,)
Thomas Ray and Norma S. Cullen)
)
Complainants)
)
v.)
)
The Other Phone Company, Inc., d/b/a)
Access One Communications)
)
Defendant)

Case No. 99-258

ANSWER

The Other Phone Company, Inc., d/b/a Access One Communications ("Access One"), by and through its undersigned attorneys, for its Answer, states as follows:

1. As to each of Count I, II and III, Access One's operating procedures require the Company to confirm and independently verify by tape recording the authorization of the switch of each customer's local telephone service provided to Access One.
2. Pursuant to internal operating protocols and consistent with the requirement of Kentucky Statutes, Chapter 278, Access One utilized the services of Marketing Group, Inc., an independent verification service, to tape record and verify such decision.
3. The tape recordings include, among other things, the identification of the business,
the identification of the person authorizing the switch and the date of birth of such person.
4. In accordance with Access One internal operating protocols, a third telephone call is made to each customer by an in-house representative of Access One for the purpose of again

5. This three step policy is universally applied by Access One in the ordinary conduct of its business.

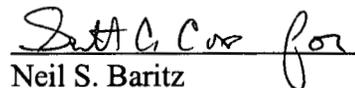
6. While Access One has been unable to locate copies of any records or tape recordings verifying the determination of each complaining customer to switch local telephone service to Access One, Access One can provide testimonial evidence of its policies and practices and the implementation thereof, including copies of tape recordings of other customers, and the absence of physical records is not an indication of Access One's failure to comply with Kentucky Statutes, Chapter 278.

WHEREFORE, The Other Phone Company, Inc., d/b/a Access One Communications respectfully requests that this matter be dismissed in its entirety and the records of the Kentucky Service Commission be modified to so reflect.

Respectfully submitted,



Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202
(502) 589-6190

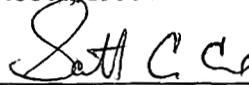


Neil S. Baritz
Dreier & Baritz LLP
150 East Palmetto Park Road, Suite 401
Boca Raton, Florida 33432
(561) 750-0910

Attorneys for The Other Phone Company, Inc.,
d/b/a Access One Communications

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer was sent by U.S. Mail to Thomas Ray and Norma Jean Cullen, c/o Country Lady & Gent, 970 U.S. Highway 62E, Eddyville, Kentucky 42038, this 18th day of October, 1999.



Scott C. Cox

SCOTT C. COX

Attorney at Law

200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202

Office: (502) 589-6190
FAX: (502) 584-1744

August 31, 1999

RECEIVED
SEP 01 1999
PUBLIC SERVICE
COMMISSION

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

**Re: *Country Lady & Gent Thomas Ray and Norma S. Cullen v. The Other
Phone Company, Inc., d/b/a Access One Communications
Case No. 99-258***

Dear Ms. Helton:

Enclosed for filing please find one original plus ten copies of an Answer in the above-styled matter. I have also enclosed a copy to be filed-stamped and returned to me in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please don't hesitate to contact me.

Cordially,



Scott C. Cox

SCC:sls
Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
SEP 01 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Country Lady & Gent,)
Thomas Ray and Norma S. Cullen)
)
Complainants)
)
v.)
)
The Other Phone Company, Inc., d/b/a)
Access One Communications)
)
Defendant)

Case No. 99-258

ANSWER

The Other Phone Company, Inc., d/b/a Access One Communications ("Access One"), by and through its undersigned attorneys, for its Answer, states as follows:

1. Access One contacted Norma S. Cullen ("Cullen") the principal of Country Lady & Gent ("Country Lady") on August 11, 1998 for the purpose of offering a discounted local service plan on features for switching her business telephone lines from Bell South to Access One.

2. On August 11, 1998, Cullen, on behalf of Country Lady, verbally authorized the switch from Bell South to Access One and pursuant to an independently tape recorded telephone conversation, Cullen confirmed her authorization of the switch of Country Lady's local telephone service provider to Access One.

3. Pursuant to internal operating protocols and consistent with the requirements of Kentucky Statutes, Chapter 278, the tape recording was made by Marketing Group, Inc., an independent verification service.

4. The tape recording included, among other things, the identification of the business, the identification of the person authorizing the switch and the date of birth of such person (the original of such tape has previously been submitted to the Kentucky Public Service Commission under separate cover.)

5. A third telephone call was made to Country Lady by an in-house representative of Access One, in accordance with Access One internal operating protocols, for the purpose of again verifying their desire to switch their local telephone service to Access One.

6. On this, the third telephone call, an individual representing herself as an authorized representative of Country Lady, again verified the switch of local telephone service from Bell South to Access One.

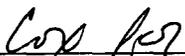
7. The aforementioned three step policy is universally applied by Access One in the ordinary conduct of its business.

WHEREFORE, The Other Phone Company, Inc., d/b/a Access One Communications respectfully requests that this matter be dismissed in its entirety and the records of the Kentucky Service Commission be modified to so reflect.

Respectfully submitted,



Scott C. Cox
200 Hart Block Building
730 West Main Street
Louisville, Kentucky 40202
(502) 589-6190



Neil S. Baritz
Dreier & Baritz LLP
150 East Palmetto Park Road, Suite 401
Boca Raton, Florida 33432
(561) 750-0910

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer was sent by U.S. Mail to Thomas Ray and Norma Jean Cullen, c/o Country Lady & Gent, 970 U.S. Highway 62E, Eddyville, Kentucky 42038, this 31 day of August, 1999.

Scott C. Cox
Scott C. Cox



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen C. Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

August 9, 1999

Ms. Nettecha Jackson
Customer Service Supervisor
Access One Communications
3427 N.W. 55th Street
Fort Lauderdale, FL 33309

Re: Country Lady & Country Gents
Thomas Ray Cullen and Norma J. Cullen
vs.
The Other Phone Company a/k/a Access One Communications
Case No. 99-258

Dear Ms. Jackson:

Attached please find a copy of the above-named complaint and a copy of your letter dated July 14, 1999.

Please be advised that this is not an "informal" matter that can be resolved by your letter. This is a formal complaint filed with the Commission. As such, the Commission may schedule an evidentiary hearing. The ultimate result could seriously affect The Other Phone Company a/k/a Access One Communications.

Please refer this matter to the attorney or attorneys representing the company. Appropriate action needs to be taken to address the formal proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen C. Helton".

Helen C. Helton
Executive Director

DW/v

Attachments



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940

August 4, 1999

Mr. and Mrs. Thomas Ray Cullen
970 U.S. Highway 62 East
Eddyville, Kentucky 42038

Re: Complaint Against Other Phone Company, Inc.
a/k/a Access One Communications
Public Service Commission Case No. 99-258

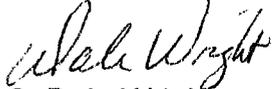
Dear Mr. and Mrs. Cullen:

I am the Staff Attorney who has been assigned the case involving your complaint against the above named company. It is my understanding that you have received a tape recording which allegedly verifies a switch of service to the Other Phone Company. I further understand that you feel it is a fraudulent tape.

I need a copy of that tape, if possible, and I would like for you to contact me at the number below. It appears that this case is going to proceed and I want to talk with you about the potential that you might need to testify before the Commission.

Please contact me as soon as possible. My phone number is 502/564-3940, Extension 235.

Sincerely,


C. Dale Wright
Staff Attorney

CDW/v



RECEIVED
JUL 19 1999
PUBLIC SERVICE
COMMISSION

July 14, 1999

Kentucky Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, KY 40602

Dear Ms. Smith:

Regarding case number 99-258 for **Country Lady & Gent.**, telephone number 850-671-7288 is as follows:

Following is our three-step policy, we initially contacted **Ms. Norma Cullen** who identified herself as owner on August 11, 1998 to offer our services. At that time she agreed to switch the company's lines from BellSouth to Access One Communications (formerly the Other Phone Company). A second person contacted her to verify the information and record it on tape, which included her date of birth. Finally, a third call was made from our local office to verify, yet again, that the customer was aware she was being switched. We follow this policy to leave no room for confusion.

Please clear our record of this complaint, as there is no base to its allegation.

If there are any other questions regarding this matter please call me at 888-622-6228 extension 110. Thank you.

Sincerely,
Nettecha Jackson
Customer Service Supervisor



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 9, 1999

Kevin Griffo
President
The Other Phone Company, Inc.
dba Access One Communications
4205 Vineland Road
Suite L15
Orlando, FL. 32811

Thomas Ray
& Norma Jean Cullen
970 U.S. Highway, 62 East
Eddyville, KY. 42038

RE: Case No. 99-258

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie J. Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COUNTRY LADY & GENT, THOMAS RAY)	
CULLEN, AND NORMA J. CULLEN)	
)	
COMPLAINTS)	
)	
v.)	CASE NO. 99-258
)	
)	
THE OTHER COMPANY, A/K/A/ ACCESS)	
ONE COMMUNICATIONS)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

The Other Phone Company ("Other Phone Company") is hereby notified that it has been named as defendant in a formal complaint filed on June 16, 1999, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Other Phone Company is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 9th day of July, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 22, 1999

Kevin Griffo
President
The Other Phone Company, Inc.
dba Access One Communications
4205 Vineland Road
Suite L15
Orlando, FL. 32811

Thomas Ray
& Norma Jean Cullen
970 U.S. Highway, 62 East
Eddyville, KY. 42038

RE: Case No. 99-258
THE OTHER PHONE COMPANY, INC. DBA ACCESS ONE COMMUNICATIONS
(Complaints - Rates) OF THOMAS RAY & NORMA J. CULLEN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 16, 1999 and has been assigned Case No. 99-258. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: Business Name:
COUNTRY LADY & GENT
Thomas Ray and Norma J. Cullen)
 (Your Full Name))
)
 COMPLAINANT)
)
 v. OPC - OTHER PHONE COMPANY)
ALSO KNOWN AS ACCESS ONE COMMUNICATIONS)
 (Name of Utility))
)
 DEFENDANT)

RECEIVED
 JUN 16 1999
 PUBLIC SERVICE
 COMMISSION
 case 99-158

C O M P L A I N T

The complaint of Thomas Ray and Norma J. Cullen respectfully shows:
 (Your Full Name)

RECEIVED

(a) Thomas ^{RAY} and Norma ^{SEAN} Cullen
 (Your Full Name)

JUN 18 1999

970 N.S. Hwy 62E, Eddyville, Ky. 42038
 (Your Address)

GENERAL COUNSEL

(b) OPC OTHER PHONE COMPANY
 (Name of Utility)

3427 NW 55th St. Ft. Lauderdale, FL 33309
 (Address of Utility)

(c) That: We were switched off of Bell South our local
 (Describe here, using additional sheets if necessary, the

Phone Co. to OPC (or) other phone Co. also known as
 specific act, fully and clearly, or facts that are the reason and basis

Access One Communications, without our authorization.
 for the complaint.)

Rec. a bill 9/29/98 for \$9.16 - Called the OPC on 10-9-98
to request information regarding these charges. Talked

Thomas Ray and Norma J. Cullen v. DPC OTHER PHONE COMPANY
(Your Name) (Utility's Name)

to DPC 2 times same day. They said Norma Cullen had OK'd this on 8-13-98. He ask for proof operator came back on line. Could not find info. But would get back to us in 48 hrs. with this info. On 11-20-98 we gave info to Ky. Public Service Co. to investigate attention: Mr. Jim Johnson. He were sent microcassette tape of this D.P.C. "proof" Post marked 4-19-99. The person on tape is not either of us. Called Mr. Johnson he suggested we go to the next step & fill this form.

Wherefore, complainant asks to be relieved of the
(Specifically state the relief desired.)

Charges billed by the D.P.C. Other Phone Company. Last Bill recieved 10/27/98 for \$99.06 Interest on this and any & all charges related to this.

Dated at Eddyville, Kentucky, this 29th day of
(Your City)
April, 19 99.
(Month)

Norma J. Cullen
(Your Signature)

(Name and Address of Attorney, if any.)

Thomas Ray and Norma J. Cullen v. D.P.C. OTHER PHONE COMPANY
(Your Name) (Utility's Name)

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form.

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(Specifically state the relief desired.)

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Last Bill recieved 10/27/98 for \$99.06 Interest
on this and any + all charges related to this.

Dated at Eddyville, Kentucky, this 29th day of
(Your City)
April, 19 99.
(Month)

Norma J. Cullen
(Your Signature)

(Name and Address of Attorney, if any.)



Country Notes

Inf. Requested By:

Jim Johnson on

6/14/99 A.M.

Thanks.

Norma

Ms. Norma J. Cullen
970 US Hwy. 62 E.
Eddyville, KY 42038-7954



RECEIVED

JUN 16 1999

U.S. Consumer Services

Public Service Commission
Attention: Mr. Jim Johnson

P.O. Box 615

Frankfort, Ky.

4082602

